

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SECUNDA MARINE SERVICES LIMITED,

Plaintiff,

-against-

MARITIMA DE ECOLOGIA SA DE CV,

Defendant.

07 Civ. 8787 (LAK)

<u>CONSENT ORDER</u>
USDS SDNY
<u>DOCUMENT</u>
<u>ELECTRONICALLY FILED</u>
DOC #: _____
DATE FILED: 11/13/07

WHEREAS, on or about October 11, 2007, Secunda Marine Services Limited ("Secunda") filed this action against Maritima de Ecologia S.A. de C.V. ("Maresca"), and obtained the issuance of a Writ of Attachment and Garnishment and an Order for Issuance of a Writ of Attachment and Garnishment dated on or about October 12, 2007 (collectively, the "Process of Maritime Attachment and Garnishment"); and

WHEREAS, the Process of Maritime Attachment and Garnishment were subsequently served on various garnishee banks in this district; and

WHEREAS, Secunda has attached funds that were being routed from or to accounts held by Maresca in the collective sum of \$565,000.00 (the "Security"), which Security presently is in the possession of the following garnissees: (1) the amount of \$500,000.00 with the Bank of New York; and (2) the amount of \$65,037.79 at the Bank of America, N.A.; and

WHEREAS, Secunda and Maresca have agreed to settle Secunda's claims;

NOW, pursuant to the subjoined consent of the attorneys for Secunda and Maresca, it is:

ORDERED that \$425,754.55 of the portion of the Security held by the Bank of New York is to be released and wired to an account of Secunda's, which account details will be provided in a joint letter from the attorneys of Secunda and Maresca to Bank of New York; and it is further

ORDERED that the remainder of the portion of the Security held by the Bank of New York and the entirety of the portion of the Security held by the Bank of America is to be released and wired in accordance with the original wiring instructions accompanying those electronic funds transfers; and it is further

ORDERED that this Consent Order likewise shall apply to all further funds frozen by garnishees pursuant to the Process of Maritime Attachment and Garnishment and release of such funds is directed without Secunda having to apply for a supplemental consent order. **All such frozen amounts shall be transferred in accordance with the original wire instructions.**

Dated: October 31, 2007

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Maritima de Ecologia S.A. de C.V.

SO ORDERED:

United States District Judge

11/1/07
Date